

Development & Environment Committee

Meeting Date: Tuesday, 05 February, 2019
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 5)
Clr Joanna Gash - Chairperson
Clr Greg Watson
All Councillors
General Manager or nominee

Please note: The proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Agenda

1. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
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3. **Declarations of Interest**
4. **Mayoral Minute**
5. **Deputations and Presentations**
6. **Notices of Motion / Questions on Notice**

Nil
7. **Reports**

Planning Environment & Development

DE19.6 Annual Grant Funding - Biosecurity Weed Management for Shoalhaven City Council 8

DE19.7 Update - Possible Heritage Listing - Former Huskisson Anglican Church 11
8. **Confidential Reports**

Nil

Development & Environment Committee

Delegation:

Pursuant to s377 (1) of the Local Government Act 1993 the Committee is delegated the functions conferred on Council by the Environmental Planning & Assessment Act 1979 (EPA Act), Local Government Act 1993 (LG Act) or any other Act or delegated to Council, as are specified in the attached Schedule, subject to the following limitations:

- i. The Committee cannot make a decision to make a local environmental plan to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the LG Act;
- ii. The Committee cannot review a section 8.11 or section 8.9 EPA Act determination made by the Council or by the Committee itself;
- iii. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- iv. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council; and
- v. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council.

Schedule

- a. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
- b. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 7 of the EPA Act.
- c. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
- d. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which seeks to vary a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
- e. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the General Manager requires to be determined by the Committee
- f. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
- g. Review of determinations of development applications under sections 8.11 and 8.9 of the EP&A Act that the General Manager requires to be determined by the Committee.
- h. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.
- i. The preparation, adoption, and review of policies and strategies of the Council in respect to sustainability matters related to climate change, biodiversity, waste, water, energy, transport, and sustainable purchasing.
- j. The preparation, adoption and review of policies and strategies of the Council in respect to management of natural resources / assets, floodplain, estuary and coastal management.

MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

Meeting Date: Monday, 21 January 2019
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.09pm

The following members were present:

Clr Joanna Gash – Chairperson
Clr Amanda Findley – left 6.44pm
Clr John Wells
Clr Patricia White – left 6.46pm
Clr Nina Digiglio
Clr Annette Alldrick
Clr John Levett
Clr Mitchell Pakes
Clr Greg Watson
Clr Bob Proudfoot
Stephen Dunshea – Acting General Manager

Apologies / Leave of Absence

An apology was received from Clr Gartner, Clr Guile and Clr Kitchener.

Confirmation of the Minutes

RESOLVED (Clr Findley / Clr White) MIN19.1

That the Minutes of the Development Committee held on Tuesday 4 December 2018 be confirmed.

CARRIED

Declarations of Interest

Nil

DEPUTATIONS AND PRESENTATIONS

The Chairperson Clr Gash acknowledged the presence of the Hon Shelley Hancock and welcomed her to the meeting.

DE19.3 – Development Application No18/1815 – 270 Back Forest Road, Back Forest Road, Back Forest – Lot 2231 DP 1034774 (page 21)

Stuart Dixon, representing Mr Peter Watts, addressed the meeting to speak against the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Alldrick)

MIN19.2

That the following matters be brought forward for consideration:

- DE19.3 - Development Application No.18/1815 – 270 Back Forest Road, Back Forest – Lot 2231 DP 1034774
- DE19.5 - DE19.5 - Review of the Lake Conjola Interim Entrance Management Policy and the Citywide Dredging Feasibility Study - Conjola Estuary

CARRIED

REPORTS

DE19.3 Development Application No.18/1815 – 270 Back Forest Road, Back Forest – Lot 2231 DP 1034774

**HPERM Ref:
D18/439193**

Recommendation (Item to be determined under delegated authority)

That Development Application No.18/1815 being for the ‘construction of a rural dwelling and change of use of an existing dwelling to a rural worker’s dwelling’ be refused in accordance with the reasons contained in attachment 1. Determination.

RESOLVED (Clr Proudfoot / Clr Wells)

MIN19.3

That:

1. The Development Application No.18/1815 - 270 Back Forest Road, Back Forest – Lot 2231 DP 1034774 be approved; and
2. A further report be provided to the Council outlining appropriate conditions for consent.

FOR: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Pakes, Clr Watson and Clr Proudfoot

AGAINST: Clr Findley and Stephen Dunshea

CARRIED

DE19.5 Review of the Lake Conjola Interim Entrance Management Policy and the Citywide Dredging Feasibility Study - Conjola Estuary

**HPERM Ref:
D19/10756**

Recommendation

That Council:

1. Commit to an operational and strategic review of the Lake Conjola Interim Entrance Management Plan;
2. Approach the State Government for assistance in funding the review through the 2019/20

NSW Floodplain Management Grants or Floodplain Grants Scheme or Coastal and Estuary Grant Program and any other available funding opportunities;

3. Seek a further report following the round-table discussion planned for early in the new year with The Hon. Shelley Hancock MP, the Mayor, Councillors, community representatives, government agencies and relevant Council officers, to confirm the scope of the review;
4. Allocate a budget of \$150,000 in the 2019-2020 Budget for the strategic review and community consultation; and
5. Continue water quality monitoring program at the seven (7) sites being monitored with Lake Conjola, noting that this sampling program is outside Council's current operations budget.

MOTION (Clr White / Clr Proudfoot)

That Council:

1. Commit to an operational and strategic review of the Lake Conjola Interim Entrance Management Plan:
 - a. The Conjola Community Association (CCB) be involved in discussions
 - b. A Meeting be convened in the next 2 weeks to start discussions on the review of the Entrance Management Plan.
2. Approach the State Government for assistance in funding the review through the 2019/20 NSW Floodplain Management Grants or Floodplain Grants Scheme or Coastal and Estuary Grant Program and any other available funding opportunities;
3. Seek a further report following the round-table discussion planned for early in the new year with The Hon. Shelley Hancock MP, the Mayor, Councillors, community representatives, government agencies and relevant Council officers, to confirm the scope of the review;
4. Allocate a budget of \$150,000 in the 2019-2020 Budget for the strategic review and community consultation; and
5. Continue water quality monitoring program at the seven (7) sites being monitored with Lake Conjola, noting that this sampling program is outside Council's current operations budget.
6. Continue to monitor the infrastructure for public safety and undertake maintenance where necessary on council owned infrastructure
7. Any resident who believes that their infrastructure has been damaged due to water levels should write to council and relevant agencies, outlining their concerns

AMENDMENT (Clr Findley / Clr Digiglio)

That Council:

1. Commit to an operational and strategic review of the Lake Conjola Interim Entrance Management Plan:
 - a. The Conjola Community Association (CCB) be involved in discussions
 - b. A Meeting be convened in the next 2 weeks to start discussions on the review of the Entrance Management Plan.
2. Approach the State Government for assistance in funding the review through the 2019/20 NSW Floodplain Management Grants or Floodplain Grants Scheme or Coastal and Estuary Grant Program and any other available funding opportunities;
3. Seek a further report following the round-table discussion planned for early in the new year with The Hon. Shelley Hancock MP, the Mayor, Councillors, community representatives, government agencies and relevant Council officers, to confirm the scope of the review;

4. Allocate a budget of \$150,000 in the 2019-2020 Budget for the strategic review and community consultation; and
5. Continue water quality monitoring program at the seven (7) sites being monitored with Lake Conjola, noting that this sampling program is outside Council's current operations budget.
6. Continue to monitor the infrastructure for public safety and undertake maintenance where necessary on council owned infrastructure
7. Any resident who believes that their infrastructure has been damaged due to water levels should write to council and relevant agencies, outlining their concerns
8. Council write to OEH and DPI Fisheries requesting environmental monitoring of Lake Conjola to ensure the current natural processes fit with the objectives for maintaining the lake as an ICOLL, and a copy of this correspondence be sent to the Member for South Coast – The Hon Shelley Hancock and all relevant Ministers
9. Council work with the Government agencies to identify research opportunities for the effects of climate disruption on the lake and the ecologies represented.

FOR: Clr Findley, Clr Levett, Clr Digiglio, Clr Alldrick and Stephen Dunshea

AGAINST: Clr Gash, Clr White, Clr Wells, Clr Pakes, Clr Watson and Clr Proudfoot

AMENDMENT LOST

Clr Findley raised a Point of Order against Clr Pakes, bringing her comments into disrepute.

The Chairperson ruled in favour of the Point of Order.

Clr Pakes withdrew his comments.

RESOLVED (Clr White / Clr Proudfoot)

MIN19.4

That Council:

1. Commit to an operational and strategic review of the Lake Conjola Interim Entrance Management Plan:
 - a. The Conjola Community Association (CCB) be involved in discussions
 - b. A Meeting be convened in the next 2 weeks to start discussions on the review of the Entrance Management Plan.
2. Approach the State Government for assistance in funding the review through the 2019/20 NSW Floodplain Management Grants or Floodplain Grants Scheme or Coastal and Estuary Grant Program and any other available funding opportunities;
3. Seek a further report following the round-table discussion planned for early in the new year with The Hon. Shelley Hancock MP, the Mayor, Councillors, community representatives, government agencies and relevant Council officers, to confirm the scope of the review;
4. Allocate a budget of \$150,000 in the 2019-2020 Budget for the strategic review and community consultation; and
5. Continue water quality monitoring program at the seven (7) sites being monitored with Lake Conjola, noting that this sampling program is outside Council's current operations budget.
6. Continue to monitor the infrastructure for public safety and undertake maintenance where necessary on council owned infrastructure
7. Any resident who believes that their infrastructure has been damaged due to increased water levels should write to Council and relevant agencies, outlining their concerns.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

REPORTS

DE19.1	Proposed Amendment - Shoalhaven Development Control Plan 2014 - Low Density Residential	HPERM Ref: D18/420522
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Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the exhibition of the draft Low Density Residential Amendment to Shoalhaven Development Control Plan 2014 for a period of 28 days as per legislative requirements.
2. Receive a further report on the draft Low Density Residential Amendment following the conclusion of the public exhibition period.
3. Advise key stakeholders, including relevant industry representatives, of this decision.

MOTION (Clr Pakes / Clr Proudfoot)

That Council defer this matter pending a workshop of Councillors, before the Proposed Amendment – Shoalhaven DCP 2014 – Low Density Residential is placed on draft exhibition.

PROCEDURAL MOTION (Clr Wells / Clr White)

That the MOTION be PUT.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

PROCEDURAL MOTION CARRIED

RESOLVED (Clr Pakes / Clr Proudfoot)

MIN19.5

That Council defer this matter pending a workshop of Councillors, before the Proposed Amendment – Shoalhaven DCP 2014 – Low Density Residential is placed on draft exhibition.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Alldrick, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Findley, Clr Digiglio

CARRIED

DE19.2	Proposed Submissions - State Environmental Planning Policies - Affordable Rental Housing	HPERM Ref: D18/432461
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Recommendation (Item to be determined under delegated authority)

That Council make formal submissions to the NSW Department of Planning and Environment, by the granted extension date of 30 January 2019 consistent with **Attachments 1 & 2** on the:

1. Draft State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (see **Attachment 1**); and

2. Proposed State Environmental Planning Policy (Affordable Rental Housing) 2009 amendment (see **Attachment 2**).

Note: Clr White left the meeting at 6.44pm

Note: Clr Findley left the meeting at 6.46pm

RESOLVED (Clr Digiglio / Clr Wells)

MIN19.6

That Council make formal submissions to the NSW Department of Planning and Environment, by the granted extension date of 30 January 2019 consistent with **Attachments 1 & 2** on the:

1. Draft State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (see **Attachment 1**); and
2. Proposed State Environmental Planning Policy (Affordable Rental Housing) 2009 amendment (see **Attachment 2**).

FOR: Clr Gash, Clr Wells, Clr Levett, Clr Digiglio, Clr Aldrick, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.3 Development Application No 18/1815 – 270 Back Forest Road, Back Forest – Lot 2231 DP 1034774

HPERM REF: D18/439193

Item dealt with earlier in the meeting see MIN19.3.

DE19.4 Tallimba Subdivision, Lot 1433 DP 10084407 Tallimba Road, Bangalee

HPERM Ref: D19/9100

Recommendation (Item to be determined under delegated authority)

That the Committee note the next steps for owners with regards to biodiversity assessment presented in the report and as outlined at the meeting with residents on 9 January 2019.

RESOLVED (Clr Wells / Clr Proudfoot)

MIN19.7

That the Committee note the next steps for owners with regards to biodiversity assessment presented in the report and as outlined at the meeting with residents on 9 January 2019.

FOR: Clr Gash, Clr Wells, Clr Levett, Clr Digiglio, Clr Aldrick, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.5 Review of the Lake Conjola Interim Entrance Management Policy and the Citywide Dredging Feasibility Study - Conjola Estuary

HPERM REF: D19/10756

Item dealt with earlier in the meeting see MIN19.4.

There being no further business, the meeting concluded, the time being 6.55pm.

Clr Gash
CHAIRPERSON

DE19.6 Annual Grant Funding - Biosecurity Weed Management for Shoalhaven City Council

HPERM Ref: D19/9876

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

To inform Council of the grants process pertaining to Biosecurity Weed Management for Shoalhaven City Council.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept the grant funding of \$164,324 (ex GST) to support Council's activities to meet its obligations under the Biosecurity Act 2015, NSW Invasive Species Plan 2015-22 and the South East Regional Strategic Weeds Management Plan 2017-22.
2. Accept the grant funding of \$33,715 (ex GST) to undertake on ground intensive inspections of urban areas to identify and eradicate Boneseed in the southern Shoalhaven.
3. Write to the NSW Local Land Services to thank them for the grants.

DE19.6

Options

1. Accept as recommended.

Implications: Council can continue to implement its weed Biosecurity programs.

2. Not accept the grants.

Implications: Council would not be able to continue its routine weed inspection program or implement Biosecurity management programs.

3. Council could choose to adopt an alternative option.

Implications: Implications unknown.

Background

Shoalhaven City Council is the Local Control Authority for the management of weeds for the Shoalhaven local government area under the provisions of the NSW *Biosecurity Act 2015*.

South East Regional Strategic Weeds Committee - Weeds Action Plan 1520

Council is a partner in the South East Regional Weeds Committee and annually receives grant funding under the NSW Department of Primary Industries Weeds Action Program.

The aim of the funding is to support Council's activities to meet its obligations imposed under the Biosecurity Act 2015 and by the NSW Invasive Species Plan 2015 - 2022. The four goals of the Plan are:

1. Exclude new weeds

- a. Achieved by intensive inspections of identified high risk pathways (or vectors for weed spread) such as major roadways, rail links, etc.
2. Eradicate or contain new incursions
 - a. Achieved systematic inspection of private and public properties on a 5-year rotational basis, with follow up inspections to determine the level of compliance.
3. Effectively manage weeds at priority sites
 - a. Achieved by inspection of priority sites and necessary follow up control work.
4. Capacity building
 - a. Professional development of staff, public education and reporting to Department of Primary Industries.

Activities funded by the grant include inspection of private and public property, community education, staff education and control of weeds in response to incursions of priority weeds, participation in public events and professional development for staff. These activities are set out in the South East Regional Strategic Weeds Management Plan 2017-22 to meet the requirements of the Act and meet the goals of the NSW Invasive Species Plan. The Regional Plan can be viewed at:

https://southeast.ils.nsw.gov.au/_data/assets/pdf_file/0006/722706/South-East-Regional-Weed-Mgmt-Plan.pdf

The funding received for 2018/19 financial year is \$180,756. (inc GST). This represents an increase of 10% on previous year's funding. Council's co-contribution is \$120,739 using existing operational budget.

Southern Shoalhaven Priority Weed Boneseed Program

Council's Weed Biosecurity Management Team Supervisor identified a need to conduct intensive inspections in the southern Shoalhaven to identify the presence of Boneseed (*Chrysanthemoides monilifera subsp. Monilifera*) in the Mollymook, Ulladulla, Burrill Lake area.

The aim of the program is to identify and eradicate Boneseed in the Shoalhaven. Boneseed is a Weed of National Significance and is the highest priority weed in the region.

A successful application was made under the SEWAP Partners Small Grants Project. Council will receive \$37,086.50 (inc GST). Council will also contribute \$10,999 as an in-kind contribution.

Community Engagement

Council's weed biosecurity management team engage with residents and landholders on an individual basis as part of Council's inspection regime. Council also participates in events such as the Berry Small Farm Field Days, the Shoalhaven Environmental Expo and community meetings. Council officers also visit schools throughout the region, especially those offering agriculture as part of their curriculum. These activities are supported by the NSW Weeds Action Program grants.

Policy Implications

Council has always participated in the Department of Primary Industries Weeds Action Program and been a member of the regional weeds management committees.

Financial Implications

The grant funds received supplement Council's existing annual operational budget contribution to this vital environmental program. The funds received under one off grants such as the Boneseed grant supplement the routine inspections and assist in delivery of Council's weed management program.

DE19.7 Update - Possible Heritage Listing - Former Huskisson Anglican Church

HPERM Ref: D19/12940

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. NSW OEH Letter, 2 January 2019 [↓](#)
2. National Trust Letter, 22 November 2018 [↓](#)

Purpose / Summary

Provide an update following the Council resolution of 16 October 2018 and obtain further direction in regard to this matter.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the report for information.
2. Note the correspondence received from the Heritage Division of the NSW Office of Environment & Heritage dated 2 January 2019.
3. If necessary, reconsider this matter following the further consideration of the site by the NSW Heritage Council's State Heritage Register Committee during February 2019.

Options

1. Receive this report for information and note the correspondence received.

Implications: This would mean that the Council resolution of the 16 October 2018 would stand, and Council would not take steps to reconsider the possible heritage listing of the site at this point.

The heritage issues associated with the site would still need to be appropriately considered in the assessment of the development application that has been lodged over the site.

2. Reconsider the opposition to the possible listing of the site in the Local Environmental Plan (LEP) as a heritage item.

Implications: Given that the potential context of the site has changed and that a request has been received from the NSW Office of Environment & Heritage that Council reconsider its position on the site, it may be appropriate for Council to consider this request. This would enable most recently obtained information to be evaluated.

3. Reconsider this issue once the site has been reconsidered by the NSW Heritage Council's State Heritage Register Committee.

Implications: The advice received indicates that this matter will go back to the State Heritage Register Committee in February 2019 for further consideration. Depending on the outcome of this, Council may wish to reconsider this matter again when their position and advice is known.

4. Combination of the options detailed above.

Implications: Will depend on the combination that is decided on. It could be appropriate given Council's previously resolved strong opposition to any heritage listing to receive the report for information (Option 1) and also reconsider the matter following the reconsideration of the site by the State Heritage Register Committee (Option 3), dependent on the advice received in this regard.

Background

Following consideration of a Notice of Motion, Council resolved on 16 October 2018 to:

1. *Reaffirm its strong opposition to the Heritage listing of the abandoned Anglican Church at Huskisson and notify the NSW Heritage Office of the decision, as in Council's opinion nothing has changed.*
2. *Include with the letter a copy of its earlier submission opposing the listing of the item as an item of local significance.*
3. *Call in the determination of the DA relating to the demolition of the Church to the full Council for the reason of public interest.*

This report provides an update in regard to Parts 1 and 2 of this resolution and seeks Council's further direction in regard to this issue.

Consistent with the resolution, Council staff wrote to the NSW Office of Environment & Heritage (OEH) on 19 October 2018 and included the material referred to in Part 2 of the resolution. OEH were requested to bring Council's advice to the attention of the NSW Heritage Council as part of their consideration of the Interim Heritage Order (IHO) request that had been submitted.

It is understood that a request for an IHO to be placed over the property was initially considered by NSW Heritage Council's State Heritage Register Committee on 7 November 2018. The Committee resolved at that point to recommend to the NSW Minister for Heritage, The Hon. Gabrielle Upton that an IHO be placed on the site.

Separate to this and following information arising that there could possibly be significant Aboriginal burials on the site, the proponent of the current development application over the site did additional work regarding Aboriginal heritage/history and ground penetrating radar (GPR) work over the remainder of the site that was not covered by earlier GPR work done for Council. This material is understood to have then been provided to OEH. The additional GPR work was also provided to Council as part of the development application process.

Council received a subsequent written response from the Heritage Division of OEH on 2 January 2019 (see **Attachment 1**) that advises as follows:

- They have reviewed the proponent's subsequent heritage work – which indicates that the site is not likely to be of state significance
- Important member of the local indigenous community is however likely to be buried there, thus further investigation and consultation with local Aboriginal people/descendants is warranted
- Matter will go back to the State Heritage Register Committee in February for further consideration
- Asks that Council revisit its decision to consider development of the site without further consultation or investigation of potential cultural values. **Note:** *it is assumed that this refers to the 16 October 2018 resolution reaffirming strong opposition to the Heritage listing.*

- Further consultation with local Aboriginal people could go some way towards reuniting planning requirements of a growing area and local community aspirations.

The National Trust of Australia (NSW) also wrote to Council on 22 November 2018 advising of their intention to list the Church, Hall and Cemetery site on the National Trust Register – see **Attachment 2**. Their letter also notes that they support the making on an IHO over the site. The National Trust Register is ‘non-statutory’ and sits outside the legislation of NSW. It relates to items or places that the Trust determines have cultural significance and are worthy of conservation.

Discussion

The advice received from OEH provides an indication that the site in question might be of ‘local’ heritage significance and they have asked Council to revisit its decision in this regard. It has also been suggested that further consultation with local Aboriginal people would be appropriate, as part of any possible reconsideration of the site’s cultural heritage values.

Given the nature of this request, it is appropriate that it be brought to Council’s attention for consideration and to obtain further direction. This report provides options for consideration in this regard.

Community Engagement

This will depend on the option pursued. For example, should Council resolve to reconsider the cultural heritage values of the site and its possible listing in the Local Environmental Plan (LEP) this would need to follow a detailed process involving community engagement and consultation.



Office of
Environment
& Heritage

Shoalhaven City Council

Received

- 2 JAN 2019

DOC18/981538

File No. _____

Referred to: _____

Attention Gordon Clark
Russ Pigg
General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Dear Mr Pigg

As you know, the Office of Environment and Heritage (OEH) have received several requests to place an Interim Heritage Order (IHO) under the *Heritage Act 1977* on 17 Hawke Street, Huskisson. Since this time, we have received correspondence from community members as well as Members of Parliament requesting the Minister for Heritage determine an IHO to investigate the potential state significance of this site.

The Heritage Council's State Heritage Register Committee considered the matter on 7 November 2018 and resolved to recommend that the Minister place an IHO over the four lots bounded by Hawke, Bowen and Currumbene streets for a period of 12 months. This decision was based on the possibility that burials in the church grounds may be significant and that a more comprehensive assessment was needed to determine this.

Since 7 November 2018, a report commissioned by the proponent, undertaken by a respected archaeologist, has been completed and provided to OEH. The research indicates that this site is not likely to be of state heritage significance. However, an important member of the local Indigenous community is likely to be buried within the church grounds. As the report recommends, I believe that this warrants further investigation, including consultation with local Aboriginal people and his descendants.

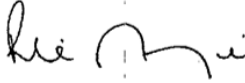
The purpose of an IHO is to provide time for investigation of heritage values. Since the state of knowledge about the site has been advanced with cultural values identified at the local level, and as the development application for the site is still under review, I have decided to bring the matter before the State Heritage Register Committee in February 2019 for further consideration.

PO Box A290 Sydney South NSW 1232
59-61 Goulburn St Sydney NSW 2000
Tel: (02) 9995 5000 Fax: (02) 9995 5999
TTY (02) 9211 4723
ABN 30 841 387 271
www.environment.nsw.gov.au

DE19.7 - Attachment 1

I note your previous correspondence and ask you to revisit council's decision to consider development of the site without further public consultation or investigation of the site's potential cultural values. We understand that this is a polarising issue in the community, and further consultation, especially with the local Aboriginal people could go some way towards reuniting the planning requirements of a developing coastal area and the local community's aspirations.

Yours sincerely



Pauline McKenzie
Executive Director
Heritage Division



Upper Fort Street, Observatory Hill
Millers Point, NSW 2000
GPO BOX 518
Sydney NSW 2001
T +61 2 9258 0123 F +61 2 9251 1110
www.nationaltrust.org.au/NSW

22 November 2018

Mr Russell Pigg
General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Email: council@shoalhaven.nsw.gov.au

Dear Mr Pigg,

National Trust Register listing of former Huskisson Anglican Church, Hall and Cemetery Site

The National Trust is currently finalizing a proposal for listing on the National Trust Register of the former Huskisson Anglican Church, Hall and Cemetery Site. The proposed listing was considered at the November meeting of the National Trust's Built Heritage Conservation Committee and it was determined that the former Holy Trinity Anglican Church, designed by Cyril Blacket and completed in 1931 was worthy of listing on the National Trust Register.

The National Trust's Landscape Conservation Committee and Cemeteries Conservation Committee are also examining this site (Lots 7, 8 and 9 Section 3 DP 758530, bounded by Hawke, Bowen and Currumbene Streets and an un-named laneway between Currumbene and Hawke Streets. The National Trust understands that a survey on 18 March, 2015, using ground penetrating radar, close to the rear of the church identified seven grave sites.

The Church grounds are likely to contain additional unmarked graves, containing the remains of European and Aboriginal people. The identity of many of those buried in the graveyard is yet to be investigated, but the graves of three are known. The church grounds did contain several wooden crosses and gravestones and a white picket fence around two graves, but the monuments have been moved to an unknown location.

The Trust also understands that King Budd Billy II (c1815 – 31May, 1905) known as the "King of Jervis Bay" was given a full Christian burial in the graveyard adjoining the church on this site, now the church call. This was confirmed in the July 22, 1905 edition of the Evening News and indicates that this is an important Aboriginal "contact" site.

It is also understood that an application for an Interim Heritage Order (IHO) has been lodged with the Office of Environment and Heritage (OEH) in regards to this site and that the NSW Heritage Council has recommended to the Minister that an IHO be placed on the site. The National Trust strongly supports the making of this Interim Heritage Order to allow the full heritage significance of this site to be investigated.

Yours sincerely,

A handwritten signature in black ink, appearing to read "G. Quint".

Graham Quint
Director, Conservation

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services

Chapter 3, 8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.